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Chief Clerk of the House

FILED MAR - 8 2007

By: Puente

H.B. No. 3070

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the fees imposed by the Texas Commission on  
3 Environmental Quality in connection with plans that are subject to  
4 review and approval under the commission's rules for the protection  
5 of the Edwards Aquifer.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 26.0461, Water Code, is amended by  
8 amending Subsections (b), (d), (e), and (h) and adding Subsection  
9 (d-1) to read as follows:

10 (b) The plans for which fees may be imposed are:

- 11 (1) water pollution abatement plans;  
12 (2) plans for sewage collection systems; ~~and~~  
13 (3) plans for hydrocarbon storage facilities or  
14 hazardous substance storage facilities; and  
15 (4) contributing zone plans.

16 (d) Except as provided by Subsection (d-1), a [A] fee  
17 imposed under this section may not be less than \$100 or more than  
18 \$6,500 [~~\$5,000~~].

19 (d-1) A fee imposed under this section may not be more than  
20 \$13,000 if the fee is for a water pollution abatement or  
21 contributing zone plan for a development of more than 40 acres.

22 (e) A fee charged under this section must be based on the  
23 following criteria:

- 24 (1) if a pollution abatement or contributing zone

1 plan, the area or acreage covered by the plan;

2 (2) if a sewage collection systems plan, the number of  
3 linear feet of pipe or line; ~~and~~

4 (3) if a hydrocarbon storage facility or hazardous  
5 substance storage facility plan, the number of tanks; and

6 (4) the type of activity subject to regulation.

7 (h) A fee collected under this section shall be deposited in  
8 the State Treasury to the credit of a special program to be used  
9 only for administering the commission's Edwards Aquifer program,  
10 including:

11 (1) monitoring surface water, stormwater, and  
12 groundwater quality in the Edwards Aquifer program area; and

13 (2) developing geographic information systems (GIS)  
14 data layers for the Edwards Aquifer program ~~[programs]~~.

15 SECTION 2. The changes in law made by this Act apply only to  
16 fees imposed in connection with plans filed with the Texas  
17 Commission on Environmental Quality on or after the effective date  
18 of this Act. Fees imposed in connection with plans filed with the  
19 Texas Commission on Environmental Quality before the effective date  
20 of this Act are governed by the law as it existed immediately before  
21 the effective date of this Act, and that law is continued in effect  
22 for that purpose.

23 SECTION 3. This Act takes effect September 1, 2007.

# HOUSE COMMITTEE REPORT

'07 APR 20 PM 10:50  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Puente

H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

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(b) The plans for which fees may be imposed are:

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(2) plans for sewage collection systems; ~~and~~

(3) plans for hydrocarbon storage facilities or hazardous substance storage facilities; and

(4) contributing zone plans.

(d) Except as provided by Subsection (d-1), a [A] fee imposed under this section may not be less than \$100 or more than \$6,500 ~~[\$5,000]~~.

(d-1) A fee imposed under this section may not be more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

(e) A fee charged under this section must be based on the following criteria:

(1) if a pollution abatement or contributing zone

1 plan, the area or acreage covered by the plan;

2 (2) if a sewage collection systems plan, the number of  
3 linear feet of pipe or line; ~~and~~

4 (3) if a hydrocarbon storage facility or hazardous  
5 substance storage facility plan, the number of tanks; and

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9 only for administering the commission's Edwards Aquifer program,  
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# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

4/11/07  
(date)

Sir:

We, your **COMMITTEE ON NATURAL RESOURCES**

to whom was referred H.B. 3098 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Hamilton, Vice-chair	X			
Gattis, CBO	X			
Creighton	X			
Gallego				X
Guillen	X			
Hilderbran	X			
Laubenberg	X			
O'Day	X			

Total

8 aye  
0 nay  
0 present, not voting  
1 absent

M. H. M.  
CHAIR

## **BILL ANALYSIS**

H.B. 3098  
By: Puente  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Edwards Aquifer Protection Program has a statutory fee cap for water pollution abatement plans, sewage collection systems plans, Underground Storage Tank (UST) plans, and Aboveground Storage Tank (AST) plans of \$5,000 which has not been adjusted since 1997.

Expanding the scope of activities that can be funded by fees collected for processing Edwards Aquifer plans will enable the agency to provide greater protection of water quality in the Edwards Aquifer while decreasing the demand on General Revenue funding. The fees would cover all the cost of the existing Edwards Aquifer Protection Program such as plan reviews, and would provide the funds necessary for other support activities, such as enforcement, legal service, and program development and evaluation functions.

H.B. 3098 would amend the Texas Water Code, §26.0461 which provides that fees can be charged for processing plans or amendments to Edwards Aquifer Protection Plans that are subject to review and approval. This bill would broaden the use of the existing fees charged for reviewing Edwards Aquifer Protection Program plans, expand the types of plan reviews for which fees can be charged, and increase the fee caps.

H.B. 3098 would also amend Texas Water Code, §26.0461(h) to clarify that fees that are charged for reviewing plans or amendments to plans under the Commission's Edwards Aquifer Protection Program may be used to fund other Edwards Aquifer Protection Program activities. The use of these funds could be used to fund current program support activities and for new activities that will aid in assessing the effectiveness of the program in protecting water quality in the Edwards Aquifer. Subsection §26.0461(a) currently limits the use of fees to processing plans, and inspecting the construction and maintenance of projects covered by the plans.

H.B. 3098 provides for specific fee authority for contributing zone plans, increases all fee caps to account for inflation, and increases the fee caps for large/multiphase development projects to reflect complexity and resulting additional workload that these types of plans require.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. 26.0461, Water Code, is amended by amending Subsections (b), (d), (e), and (h) and adding Subsection (d-1) to read:

Amends Section 26.046(b), Water Code, by adding contributing zones to the plans for which fees may be imposed.

Amends Section 26.0461(d), Water Code, by raising the cap on fees from a maximum of \$5000 to a maximum of \$6,500 except as provided in (d-1).

Adds Section 26.0461 (d-1), Water Code, providing that a fee imposed under this section may not be more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

Amends Section 26.0461(e), Water Code, to provide that the fee criteria applies to contributing zone plans and adds that the fee charged also be based on the type of activity subject to regulation.

Amends Section 26.0461(h), Water Code, by requiring that a fee collected be deposited in the State Treasury to the credit of a special program to be used only for administering the commission's Edwards Aquifer program, including (1) monitoring surface water, storm water and groundwater quality in the Edwards Aquifer program area and (2) developing geographic information system (GIS) data layers for the Edwards Aquifer program.

SECTION 2. Provides that the changes in laws made by the Act apply to plans filed on or after the effective date of the bill and continues previous law in effect for those plans filed prior to the effective date of the Act.

SECTION 3. This Act takes effect September 1, 2007.

**EFFECTIVE DATE**

September 1, 2007.

## SUMMARY OF COMMITTEE ACTION

HB 3098

April 04, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Left pending in committee

April 11, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Reported favorably without amendment(s)



WITNESS LIST

HB 3098  
HOUSE COMMITTEE REPORT  
Natural Resources Committee

April 4, 2007 - 2:00 PM or upon final adjourn./recess

Registering, but not testifying:

For:           Burton, Donovan (San Antonio Water System)  
                  Kramer, Ken (Lone Star Chapter, Sierra Club)  
                  Smith, Andrew (City of San Antonio)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 3, 2007**

**TO:** Honorable Robert Puente, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3098** by Puente (Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3098, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>WATER RESOURCE MANAGEMENT</i> 153	Probable Savings/(Cost) from <i>WATER RESOURCE MANAGEMENT</i> 153	Change in Number of State Employees from FY 2007
2008	\$335,687	(\$335,678)	4.0
2009	\$303,667	(\$303,667)	4.0
2010	\$303,667	(\$303,667)	4.0
2011	\$303,667	(\$303,667)	4.0
2012	\$303,667	(\$303,667)	4.0

**Fiscal Analysis**

The bill would give specific authority to the Texas Commission on Environmental Quality (TCEQ) to collect fees for Edwards Aquifer contributing zone plans, to increase fee caps for all Edwards Aquifer development plans from \$5,000 to \$6,500 and for for water pollution abatement or contributing zone plans for development of more than 40 acres, the maximum fee would be set at \$13,000.

The bill also would provide that fees collected for the Edwards Aquifer Protection Program (EAPP) can be used for monitoring surface water, stormwater, and groundwater quality in the Edwards Aquifer program area developing geographic information systems (GIS) data layers for the EAPP.

## **Methodology**

The bill would allow the TCEQ to increase functions such as enforcement activities, legal activities, development and review of scientific information to assess the effectiveness of the EAPP and develop GIS data layers to better evaluate the cumulative effects of development in both the recharge and contributing zones of the Edwards Aquifer. To adequately support the EAPP, the TCEQ projects that 4 full time equivalents (FTEs) will be needed: 2 for the San Antonio Regional Office EAPP and 2 for the Austin Regional Office EAPP at a cost of \$335,687 in fiscal year 2008 and \$303,667 in subsequent fiscal years. This estimate assumes that the TCEQ would assess fees on developments in the Edwards Aquifer area at a level sufficient to cover these costs. Fees would be deposited to and costs paid of the General Revenue-Dedicated Water Resource Management Account No. 153.

This estimate assumes that contracting costs for water quality monitoring and professional services to develop a GIS based tracking system could be absorbed using existing agency appropriations.

## **Local Government Impact**

Local governments developing facilities in the Edwards Aquifer contributing zones could see cost increases associated with such projects as a result of the bill's passage. The increase would depend on the exact fee that the TCEQ would assess, and the cost increase could range from \$1,500 to \$8,000 more per project than under current law.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL

SECOND READING  
ENGROSSMENT

By: Puente

H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.0461, Water Code, is amended by amending Subsections (b), (d), (e), and (h) and adding Subsection (d-1) to read as follows:

(b) The plans for which fees may be imposed are:

- (1) water pollution abatement plans;
- (2) plans for sewage collection systems; ~~and~~
- (3) plans for hydrocarbon storage facilities or hazardous substance storage facilities; and
- (4) contributing zone plans.

(d) Except as provided by Subsection (d-1), a [A] fee imposed under this section may not be less than \$100 or more than \$6,500 [~~\$5,000~~].

(d-1) A fee imposed under this section may not be more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

(e) A fee charged under this section must be based on the following criteria:

- (1) if a pollution abatement or contributing zone

1 plan, the area or acreage covered by the plan;

2 (2) if a sewage collection systems plan, the number of  
3 linear feet of pipe or line; ~~and~~

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5 substance storage facility plan, the number of tanks; and

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7 (h) A fee collected under this section shall be deposited in  
8 the State Treasury to the credit of a special program to be used  
9 only for administering the commission's Edwards Aquifer program,  
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11 (1) monitoring surface water, stormwater, and  
12 groundwater quality in the Edwards Aquifer program area; and

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14 data layers for the Edwards Aquifer program ~~[programs]~~.

15 SECTION 2. The changes in law made by this Act apply only to  
16 fees imposed in connection with plans filed with the Texas  
17 Commission on Environmental Quality on or after the effective date  
18 of this Act. Fees imposed in connection with plans filed with the  
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20 of this Act are governed by the law as it existed immediately before  
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# HOUSE ENGROSSMENT

By: Puente

H.B. No. 3098

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 3, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3098** by Puente (Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.), **As Introduced**

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**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL

By: Puente (Senate Sponsor - Averitt) H.B. No. 3098  
(In the Senate - Received from the House May 11, 2007;  
May 15, 2007, read first time and referred to Committee on Natural  
Resources; May 18, 2007, reported favorably by the following vote:  
Yeas 11, Nays 0; May 18, 2007, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

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Environmental Quality in connection with plans that are subject to  
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(d-1) A fee imposed under this section may not be more than  
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contributing zone plan for a development of more than 40 acres.

(e) A fee charged under this section must be based on the  
following criteria:

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- (2) if a sewage collection systems plan, the number of  
linear feet of pipe or line; ~~and~~
- (3) if a hydrocarbon storage facility or hazardous  
substance storage facility plan, the number of tanks; and
- (4) the type of activity subject to regulation.

(h) A fee collected under this section shall be deposited in  
the State Treasury to the credit of a special program to be used  
only for administering the commission's Edwards Aquifer program,  
including:

- (1) monitoring surface water, stormwater, and  
groundwater quality in the Edwards Aquifer program area; and
- (2) developing geographic information systems (GIS)  
data layers for the Edwards Aquifer program [~~programs~~].

SECTION 2. The changes in law made by this Act apply only to  
fees imposed in connection with plans filed with the Texas  
Commission on Environmental Quality on or after the effective date  
of this Act. Fees imposed in connection with plans filed with the  
Texas Commission on Environmental Quality before the effective date  
of this Act are governed by the law as it existed immediately before  
the effective date of this Act, and that law is continued in effect  
for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

\* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR

By

(Author/Senate Sponsor)

(date)

3098

Averitt  
5-18-07

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,  
have on 05/18/07, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Averitt, Chair	<input checked="" type="checkbox"/>			
Senator Estes, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Deuell	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Eltife	<input checked="" type="checkbox"/>			
Senator Hegar	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Jackson	<input checked="" type="checkbox"/>			
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Uresti	<input checked="" type="checkbox"/>			
TOTAL VOTES	11	0	0	0

COMMITTEE ACTION

☒ S260 Considered in public hearing

☐ S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

## **BILL ANALYSIS**

Senate Research Center  
80R7722 SMH-F

H.B. 3098  
By: Puente (Averitt)  
Natural Resources  
5/17/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Edwards Aquifer Protection Program has a statutory fee cap for water pollution abatement plans, sewage collection systems plans, Underground Storage Tank (UST) plans, and Aboveground Storage Tank (AST) plans of \$5,000 which has not been adjusted since 1997. Expanding the scope of activities that can be funded by fees collected for processing Edwards Aquifer plans will enable the agency to provide greater protection of water quality in the Edwards Aquifer while decreasing the demand on General Revenue funding. The fees would cover all the cost of the existing Edwards Aquifer Protection Program such as plan reviews, and would provide the funds necessary for other support activities, such as enforcement, legal service, and program development and evaluation functions.

H.B. 3098 provides that fees can be charged for processing plans or amendments to Edwards Aquifer Protection Plans that are subject to review and approval. This bill would broaden the use of the existing fees charged for reviewing Edwards Aquifer Protection Program plans, expand the types of plan reviews for which fees can be charged, and increase the fee caps. The bill would also clarify that fees that are charged for reviewing plans or amendments to plans under the Commission's Edwards Aquifer Protection Program may be used to fund other Edwards Aquifer Protection Program activities. The use of these funds could be used to fund current program support activities and for new activities that will aid in assessing the effectiveness of the program in protecting water quality in the Edwards Aquifer. Section 26.0461(a) currently limits the use of fees to processing plans, and inspecting the construction and maintenance of projects covered by the plans. Furthermore, the bill provides for specific fee authority for contributing zone plans, increases all fee caps to account for inflation, and increases the fee caps for large/multiphase development projects to reflect complexity and resulting additional workload that these types of plans require.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is the Texas Natural Resource Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. Amends Section 26.0461, Water Code, by amending Subsection (b), (d), (e), and (h) and adding Subsection (d-1), as follows:

(b) Authorizes the plans for which fees to be imposed are certain plans, including contributing zone plans.

(d) Prohibits a fee imposed under this section from being less than \$100 or more than \$6,500, rather than \$5,000, except as provided by Subsection (d-1).

(d-1) Prohibits a fee imposed under this section from being more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

(e) Requires a fee charged under this section to be based on certain criteria, including if a pollution abatement or contributing zone plan, the are or acreage covered by the plan and the type of activity subject to regulation.

(h) Requires a fee collected under this section to be deposited in the State Treasury to the credit of a special program to be used only for administering the Texas Natural Resources Conservation Commission's Edwards Aquifer program including monitoring surface water, stormwater, and groundwater quality in the Edwards Aquifer program area; and developing geographic information system (GIS) data layers for the Edwards Aquifer program. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3098** by Puente (Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3098, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain/ (Loss) from WATER RESOURCE MANAGEMENT 153</b>	<b>Probable Savings/(Cost) from WATER RESOURCE MANAGEMENT 153</b>	<b>Change in Number of State Employees from FY 2007</b>
2008	\$335,687	(\$335,678)	4.0
2009	\$303,667	(\$303,667)	4.0
2010	\$303,667	(\$303,667)	4.0
2011	\$303,667	(\$303,667)	4.0
2012	\$303,667	(\$303,667)	4.0

**Fiscal Analysis**

The bill would give specific authority to the Texas Commission on Environmental Quality (TCEQ) to collect fees for Edwards Aquifer contributing zone plans, to increase fee caps for all Edwards Aquifer development plans from \$5,000 to \$6,500 and for for water pollution abatement or contributing zone plans for development of more than 40 acres, the maximum fee would be set at \$13,000.

The bill also would provide that fees collected for the Edwards Aquifer Protection Program (EAPP) can be used for monitoring surface water, stormwater, and groundwater quality in the Edwards Aquifer program area developing geographic information systems (GIS) data layers for the EAPP.

## **Methodology**

The bill would allow the TCEQ to increase functions such as enforcement activities, legal activities, development and review of scientific information to assess the effectiveness of the EAPP and develop GIS data layers to better evaluate the cumulative effects of development in both the recharge and contributing zones of the Edwards Aquifer. To adequately support the EAPP, the TCEQ projects that 4 full time equivalents (FTEs) will be needed: 2 for the San Antonio Regional Office EAPP and 2 for the Austin Regional Office EAPP at a cost of \$335,687 in fiscal year 2008 and \$303,667 in subsequent fiscal years. This estimate assumes that the TCEQ would assess fees on developments in the Edwards Aquifer area at a level sufficient to cover these costs. Fees would be deposited to and costs paid of the General Revenue-Dedicated Water Resource Management Account No. 153.

This estimate assumes that contracting costs for water quality monitoring and professional services to develop a GIS based tracking system could be absorbed using existing agency appropriations.

## **Local Government Impact**

Local governments developing facilities in the Edwards Aquifer contributing zones could see cost increases associated with such projects as a result of the bill's passage. The increase would depend on the exact fee that the TCEQ would assess, and the cost increase could range from \$1,500 to \$8,000 more per project than under current law.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 3, 2007**

**TO:** Honorable Robert Puente, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3098** by Puente (Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3098, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>WATER RESOURCE MANAGEMENT</i> 153	Probable Savings/(Cost) from <i>WATER RESOURCE MANAGEMENT</i> 153	Change in Number of State Employees from FY 2007
2008	\$335,687	(\$335,678)	4.0
2009	\$303,667	(\$303,667)	4.0
2010	\$303,667	(\$303,667)	4.0
2011	\$303,667	(\$303,667)	4.0
2012	\$303,667	(\$303,667)	4.0

**Fiscal Analysis**

The bill would give specific authority to the Texas Commission on Environmental Quality (TCEQ) to collect fees for Edwards Aquifer contributing zone plans, to increase fee caps for all Edwards Aquifer development plans from \$5,000 to \$6,500 and for for water pollution abatement or contributing zone plans for development of more than 40 acres, the maximum fee would be set at \$13,000.

The bill also would provide that fees collected for the Edwards Aquifer Protection Program (EAPP) can be used for monitoring surface water, stormwater, and groundwater quality in the Edwards Aquifer program area developing geographic information systems (GIS) data layers for the EAPP.



## **Methodology**

The bill would allow the TCEQ to increase functions such as enforcement activities, legal activities, development and review of scientific information to assess the effectiveness of the EAPP and develop GIS data layers to better evaluate the cumulative effects of development in both the recharge and contributing zones of the Edwards Aquifer. To adequately support the EAPP, the TCEQ projects that 4 full time equivalents (FTEs) will be needed: 2 for the San Antonio Regional Office EAPP and 2 for the Austin Regional Office EAPP at a cost of \$335,687 in fiscal year 2008 and \$303,667 in subsequent fiscal years. This estimate assumes that the TCEQ would assess fees on developments in the Edwards Aquifer area at a level sufficient to cover these costs. Fees would be deposited to and costs paid of the General Revenue-Dedicated Water Resource Management Account No. 153.

This estimate assumes that contracting costs for water quality monitoring and professional services to develop a GIS based tracking system could be absorbed using existing agency appropriations.

## **Local Government Impact**

Local governments developing facilities in the Edwards Aquifer contributing zones could see cost increases associated with such projects as a result of the bill's passage. The increase would depend on the exact fee that the TCEQ would assess, and the cost increase could range from \$1,500 to \$8,000 more per project than under current law.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, ZS, TL

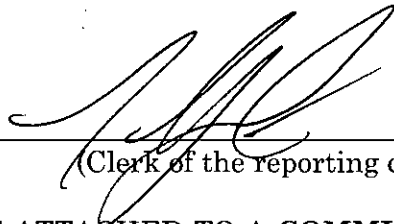
# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR KIM BRIMER, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 3098, by Averitt,  
(Bill No.) (Author/Sponsor)

was heard by the Committee on Natural Resources on 5/18/07,  
2007,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.



(Clerk of the reporting committee)

**IMPORTANT: TWO COPIES OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED  
VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION  
COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE  
ANNOUNCED ON A REGULAR BASIS.**

## ENROLLMENT

H.B. No. 3098

### AN ACT

relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.0461, Water Code, is amended by amending Subsections (b), (d), (e), and (h) and adding Subsection (d-1) to read as follows:

(b) The plans for which fees may be imposed are:

- (1) water pollution abatement plans;
- (2) plans for sewage collection systems; ~~and~~
- (3) plans for hydrocarbon storage facilities or hazardous substance storage facilities; and
- (4) contributing zone plans.

(d) Except as provided by Subsection (d-1), a [A] fee imposed under this section may not be less than \$100 or more than \$6,500 ~~[\$5,000]~~.

(d-1) A fee imposed under this section may not be more than \$13,000 if the fee is for a water pollution abatement or contributing zone plan for a development of more than 40 acres.

(e) A fee charged under this section must be based on the following criteria:

- (1) if a pollution abatement or contributing zone

1 plan, the area or acreage covered by the plan;

2 (2) if a sewage collection systems plan, the number of  
3 linear feet of pipe or line; ~~and~~

4 (3) if a hydrocarbon storage facility or hazardous  
5 substance storage facility plan, the number of tanks; and

6 (4) the type of activity subject to regulation.

7 (h) A fee collected under this section shall be deposited in  
8 the State Treasury to the credit of a special program to be used  
9 only for administering the commission's Edwards Aquifer program,  
10 including:

11 (1) monitoring surface water, stormwater, and  
12 groundwater quality in the Edwards Aquifer program area; and

13 (2) developing geographic information systems (GIS)  
14 data layers for the Edwards Aquifer program ~~[programs]~~.

15 SECTION 2. The changes in law made by this Act apply only to  
16 fees imposed in connection with plans filed with the Texas  
17 Commission on Environmental Quality on or after the effective date  
18 of this Act. Fees imposed in connection with plans filed with the  
19 Texas Commission on Environmental Quality before the effective date  
20 of this Act are governed by the law as it existed immediately before  
21 the effective date of this Act, and that law is continued in effect  
22 for that purpose.

23 SECTION 3. This Act takes effect September 1, 2007.

H.B. No. 3098

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3098 was passed by the House on May 10, 2007, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 3098 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3098<sup>(1)</sup> was passed by the House

on May 10<sup>(2)</sup>, 2007, by the following vote:

Yeas 143<sup>(3)</sup>, Nays 0<sup>(4)</sup>, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3098 was passed by the Senate

on May 23<sup>(5)</sup>, 2007, by the following vote:

Yeas 31<sup>(6)</sup>, Nays 0<sup>(7)</sup>

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT24

H.B. No. 3098

By

A BILL TO BE ENTITLED  
AN ACT

relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

MAR - 8 2007

Filed with the Chief Clerk

MAR 19 2007

Read first time and referred to Committee on Natural Resources

APR 11 2007

Reported favorably (~~unfavorably~~)  
(~~unfavorably~~)

APR 23 2007

Sent to Committee on (Calendars)

MAY 09 2007

Read second time (~~committee substitute~~); passed to third reading (~~failed~~) by a (non-record vote)  
(~~record vote of~~ 143 yeas, 0 nays, 1 present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of 143 yeas, 0 nays, 1 present, not voting

MAY 10 2007

Read third time (~~committee substitute~~), finally passed (~~failed to pass~~) by a (~~record vote~~)  
(record vote of 143 yeas, 0 nays, 1 present, not voting)

MAY 10 2007

Engrossed

MAY 11 2007

Sent to Senate

*Robert Haney*  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 11 2007

Received from the House

MAY 15 2007

Read and referred to Committee on

NATURAL RESOURCES

MAY 18 2007

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 23 2007

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by

MAY 23 2007

Read second time, unanimous consent, and passed to third reading by unanimous consent  
(a viva voce vote)  
(31 yeas, 0 nays)

MAY 23 2007

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 23 2007

Read third time, unanimous consent, and passed by a (viva voce vote)  
(31 yeas, 0 nays)

Returned to the House

*Patsy Spaw*  
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 23 2007

Returned from the Senate (as substituted)  
(with amendments)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

07 APR 20 PM 10:50

HOUSE OF REPRESENTATIVES